

REMARKS/ARGUMENTS

The Claims have been divided into Groups as follows:

- Invention I: Claim(s) 1-10, drawn to a micro-system comprising a tank including a cavity, sealing cap and fluid input/output means.
- Invention II: Claim(s) 11-14, drawn to a micro-reactor comprising a micro-system including beads of the same diameter, a tank with a cavity, sealing cap and fluid input/output means.
- Invention III: Claim(s) 15-18, drawn to a process for making the micro-system having the structure recited in claim 1 and comprising the steps of micro-machining a substrate to form the tank with the cavity; providing the sealing cap and forming the fluid input/output means.
- Invention IV: Claim(s) 19, drawn to a process for making the micro-reactor having the structure recited in claim 11 and comprising the step of filling the functionalized beads by sedimentation.
- Invention V: Claim(s) 20, drawn to a process for making a multi-functional micro-reactor having the structure recited in claim 3 and comprising the steps of placing the cover on the tank leaving accessible the part in which it is washed to place the beads of a first function, filling by sedimentation, withdrawing the cover, repeating the previous steps as many times as needed, and sealing the tank with the cap.
- Invention VI: Claim(s) 21, drawn to a process for making a multi-functional micro-reactor, comprising the steps of filling the micro-system having the structure recited in claims 4, the filling including at least two filling stages, in the order corresponding to the decreasing order of the diameter of the beads.

Applicants elect, with traverse, Group I, Claims 1-10, for examination.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (MPEP §803). The burden is on the Examiner to provide reasons and/or examples to support any conclusion in regard to patentable distinction (MPEP §803). Moreover, when citing lack of unity of invention in a national stage application, the Examiner has the burden of

explaining why each group lacks unity with each other group specifically describing special technical features in each group (MPEP § 1893.03(d)).

The Office has asserted that Groups I - VI do not relate to a single general inventive concept because the “only technical feature common for the above listed inventions is a tank having a cavity, sealing cap and fluid output means. The feature does not contribute any novelty over the prior art (see, for example, Figure 2 of Bergh et al., U.S. 6749814). Therefore the unity of invention is lacking.”

Annex B of the Administrative Instructions under the PCT at (b) Technical Relationship states:

“The expression “special technical features” is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings (if any).”

Applicants respectfully submit that the Examiner has not provided any indication that the contents of the claims interpreted in light of the description was considered in making the assertion of a lack of unity and therefore has not met the burden necessary to support the assertion.

Furthermore, 37 C.F.R. § 1.475(b) states in pertinent part:

“An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

(5) A product, a process specially adapted for the manufacture of said product and a use of said product; . . .”

Applicants respectfully submit that the Office has not considered the relationship of the inventions of Groups I-VI with respect to 37 C.F.R. § 1.475(b)(5).

Moreover, Applicants respectfully refer to Annex B of the Administrative Instructions Under the PCT, paragraph (c), which states in part, “Unity of invention has to be considered in

the first place only in relation to the independent claims in an international application and not the dependent claims.” Applicants respectfully submit that Claims 11-21 all depend directly or indirectly from Claim 1 in this application.

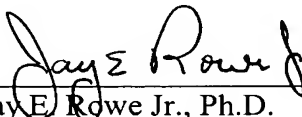
Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction.

Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Jay E. Rowe Jr., Ph.D.
Registration No. 58,948

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 08/07)